

Appl. No. 09/818,125
Amtd. Dated January 23, 2008
Reply to Office Action of November 28, 2007

Attorney Docket No. 81747.0191
Customer No. 26021

REMARKS

This application has been carefully reviewed in light of the Office Action dated November 28, 2007. Claims 1-23 remain in this application. Claims 1, 16, 22, and 23 are the independent Claims. It is believed that no new matter is involved in the arguments presented herein. Reconsideration is respectfully requested.

Art-Based Rejections

Claims 1-15 were rejected under 35 USC § 103(a) over U.S. Patent No. 6,334,109 (Kanevsky) in view of U.S. Patent No. 6,424,998 (Hunter); Claims 16-21 were rejected under § 103(a) over U.S. Patent No. 6,401,074 (Sleeper) in view of Hunter; Claims 22 and 23 were rejected under § 103(a) over U.S. Patent No. 6,430,603 (Hunter '603) in view of Sleeper.

Applicant respectfully traverses the rejections and submits that the claims herein are patentable in light of the arguments below.

The Action Failed to Properly Examine the Claims

Applicant respectfully submits that the Action did not examine all the features recited in the claims; accordingly, the finality of the rejection should be withdrawn.

In particular, Claim 1 recites a “first server system comprising: ... (d) means for distributing at least a part of the advertising placement information ... to the second server system coupled to the second POS system.” In short, the first server includes means to distribute at least part of the advertising placement information to the second server.

The Action failed even to acknowledge that feature, let alone address it. Rather, the Action merely argues that Kanevesky teaches a second server communicating with the advertisement server, and not the first server. In particular, the Action asserts that the applied references teach the advertisement server having “means for distributing at

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least a part of the advertising placement information (Hunter) to the first POS system coupled to the first server system (Kanevesky) and to the second server system coupled to the second POS system (Kanevesky)." (*The Action page 8, Response to Arguments*). Here, the Action argues that the advertising server includes means to distribute information to the first and second server systems. The purported features of the applied references do not disclose or suggest a first server having means to distribute at least part of the advertising placement information to the second server, as recited in Claim 1.

Applicant respectfully notes that the advertisement server **112** and the first server **107** of Kanevsky cannot be said to be the same server system. According to Kanevsky, the advertisement server **112** produces advertisements based on transaction data (Kanevesky col. 5, lines 44-57). In contrast, the first server **107** is part of the shopping center local network system **100** (Kanevesky col. 5, lines 11-16), and the task of local server **107** is to support the printers and other devices connected in local area system **100** (Kanevesky col. 6, lines 22-23). The advertisement server **112** connecting to the shopping center local network system **100** via network **130** plainly cannot be part of the shopping center local network system **100** (see Kanevesky FIG. 1). Accordingly, the advertisement server **112** having means to distribute advertisement information to the second sever is not equivalent to the separate shopping center local network system **100** (the first server **107**) having means to distribute advertisement information to the second server.

Independent Claims 16, 22, and 23 recite similar features as those of Claim 1 discussed above; the Action similarly failed to examine those claims properly.

Because the examination of the claims is incomplete, Applicant respectfully urge the Office to withdraw the final rejection. Moreover, as stated in Applicant's response, dated September 12, 2007, the applied references do not disclose or suggest the

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features of the claimed invention, and the allowance of those claims are respectfully requested.

Conclusion

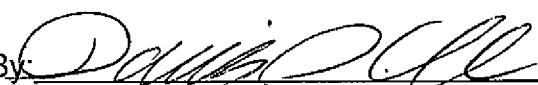
In view of the foregoing, it is respectfully submitted that the application is in condition for allowance. Reexamination and reconsideration of the application are requested.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at the Los Angeles, California telephone number (310) 785-4721 to discuss the steps necessary for placing the application in condition for allowance.

If there are any fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-1314.

Respectfully submitted,
HOGAN & HARTSON L.L.P.

Date: January 23, 2008

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